

ENTERED

November 22, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSEPH LYNN BRICE,  
SPN #1715822

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Plaintiff,

V.

CIVIL ACTION NO. H-23-547

## HARRIS COUNTY JAIL,

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Defendant.

## **MEMORANDUM ON DISMISSAL**

Plaintiff Joseph Lynn Brice, representing himself, filed a prisoner's civil-rights complaint under 42 U.S.C. § 1983. On August 25, 2023, the court entered an order directing Brice to provide a more definite statement of his claims. (Docket Entry No. 16). The deadline for compliance was September 26, 2023. Brice has not submitted a more definite statement of his claims as ordered.

A district court may dismiss a lawsuit for failure to prosecute under Federal Rule of Civil Procedure 41(b). *See Fed. R. Civ. P. 41(b).* “This authority is based on the courts’ power to manage and administer their own affairs to ensure the orderly and expeditious disposition of cases.” *Lewis v. Sheriff’s Dept. Bossier Parish*, 478 F. App’x 809, 815 (5th Cir. 2012) (per curiam) (internal quotation marks and citation omitted); *see also Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018) (explaining that a district court may dismiss an action for failure to prosecute); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (explaining that a district court may dismiss an action for failure to comply with court orders).

Brice's failure to comply with the court's order instructing him to provide a more definite statement of his claims forces the court to conclude that he lacks diligence in prosecuting this action. Therefore, under the court's general power to manage its docket, this case is dismissed

without prejudice for want of prosecution. Brice is advised that he may obtain relief from this order if he makes a proper showing under Rule 60(b) of the Federal Rules of Civil Procedure. At a minimum, a proper showing under Rule 60(b) includes complying with the court's order for a more definite statement.

This case is dismissed without prejudice. Any pending motions are denied as moot.

SIGNED on November 22, 2023, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge